

### **REMARKS**

Claims 1-11, 13-14, and 17 are now pending in this application, of which claims 1 and 4 are in independent form

Claims 1, 4, 11, 14, and 16 have been amended, claims 10, 12, 13, 15 and 18 are cancelled, and no new claims have been added.

#### **Reasons for Entry of Amendment**

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to claims 1 and 4 automatically place those claims and their dependents in condition for allowance. Moreover, cancellation of claims 12, 15, and 18 removes them from consideration. Accordingly, all remaining claims include subject matter deemed allowable in the Office Action dated December 19, 2008.

If the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by incorporating the allowable features of claims 10 and 13 respectively into independent claims 1 and 4, and by cancelling rejected claims 12, 15, and 18. This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

#### **Claim Objections**

Applicants note that the summary page of the Office action indicates objection to claims 1, 10, 13, 14, 16, and 17. Since the Office Action otherwise repeats the previous Office Action, it is assumed that the Summary page includes a typographical error, and that the objected claims are 10-11, 13-14, and 16-17, as listed on page 11 of the Office Action.

The Office Action objects to claims 10, 11, 13, 14, 16 and 17 as being dependent upon a rejected base claim, but indicates these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1 and 4 have been amended to include the allowable subject matter of claims 10 and 13, respectively. The designation "second parameters" has been modified to become "fifth

parameters” in claims 1 and 4 to differentiate from other “second parameter” designations in dependent claims 2 and 5. Dependent claims 11, 14, and 16 have been amended only to change the dependency from cancelled claims 10 and 13 to claim 1 or claim 4 as appropriate.

### **Claim Rejections Under 35 U.S.C. § 103**

The Examiner rejects claims 1-9, 12, 15 and 18 under 35 U.S.C. § 103(a) as being unpatentable over JP 2002-199151 issued to Moriya (hereinafter "Moriya"), as cited in the IDS dated August 8, 2006, in view of U.S. Patent Publication No. 2003/0208546 issued to DeSalvo (hereinafter “DeSalvo”). These rejections are respectfully traversed.

The rejection of claims 1-9 is believed to be moot in view of the amendments to claims 1 and 4 to include allowable subject matter respectively of claims 10 and 13.

The rejection of claims 12, 15, and 18 is moot in view of the cancellation of these claims.

All remaining claims are thus believed to be in condition for allowance. Withdrawal of the rejections and allowance of the claims are respectfully requested.

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact James C. Larsen, Reg. No. 58,565, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

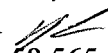
Dated: March 18, 2009

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

James C. Larsen 

Registration No. 58,565

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorneys for Applicant

MRC/JCL